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Agenda item 94 (d)

Environment and sustainable development: Convention on Biological Diversity

Report of the Second Committee*

Rapporteur: Mr. Uladzimir **Gerus** (Belarus)

Addendum

I. Introduction

1. The Second Committee held a substantive debate on agenda item 94 (see A/53/609, para. 2). Action on sub-item (d) was taken at the 36th and 42nd meetings, on 10 November and 1 December 1998. An account of the Committee's consideration of the sub-item is contained in the relevant summary records (A/C.2/53/SR.36 and 42).

II. Consideration of draft resolutions A/C.2/53/L.29 and A/C.2/53/L.54

2. At the 36th meeting, on 10 November, at the request of the representative of Indonesia, the representative of Ethiopia, on behalf of the sponsors, namely the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Convention on Biological Diversity" (A/C.2/53/L.29), which read:

"*The General Assembly,*

"*Recalling* its resolution 52/201 of 18 December 1997 on the Convention on Biological Diversity and other relevant resolutions relating to the Convention,

* The report of the Committee on this item will be issued in seven parts, under the symbol A/53/609 and Add.1–6.

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"*Recalling* also the provisions of the Convention on Biological Diversity,[1]

"*Recalling* further Agenda 21,[2] particularly its chapter 15 on the Convention on Biological Diversity and related chapters,

"*Having considered* the report of the Executive Secretary of the Convention on Biological Diversity,[3]

"*Deeply concerned* by the continued loss of world's biological diversity and recognizing the contribution of indigenous and local communities in the conservation and sustainable use of biological resources,

"*Noting with concern* the lack of progress in the negotiation process to reconcile the relevant articles of the Convention and the Agreement on Trade-related Aspects of Intellectual Property Rights with the issue of equitable sharing of benefits from the use of biological resources, as contained in the Convention,

"*Encouraged* by the work carried out to date under the Convention,

"*Noting with satisfaction* that most States have ratified or acceded to the Convention,

"*Taking note with appreciation* of the generous offer of the Government of Colombia to host the sixth meeting of the Open-ended Ad Hoc Working Group on Biosafety and the extraordinary meeting of the Conference of the Parties which will take place in Cartagena de Indias, 15–19 and 22–23 February 1999, respectively,

"*Recalling* its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the result of future meetings of the Conference of the Parties to the Convention,

"*Noting* the utility of organizing regular timely briefings by the Bureau of the Second Committee on the various issues pertaining to the subject of biological diversity,

"1. *Welcomes* the results of the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bratislava from 4 to 16 May 1998, as reflected in the report of the meeting,[4] submitted in accordance with General Assembly resolution 51/182 of 16 December 1996, and in that context, reaffirms the need to take concrete action to fulfil the objectives contained in article 1 of the Convention on Biological Diversity;

"2. *Takes note* of the decision of the fourth Conference of the Parties on the programme of work and the thematic approach adopted to guide its work in the development of the Convention for the foreseeable future;

"3. *Expresses grave concern* at the evolution of technologies such as terminator technologies which would adversely affect farmers and local communities in developing countries;

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[1] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[3] A/53/451, annex.

[4] UNEP/CDB/COP/4/27.

"4. *Expresses also deep concern* at the granting of proprietary patents before the prior informed consent of developing countries has been obtained and before mutually beneficial arrangements have been made on flow-back benefits and resources to the developing countries concerned which are the storehouses of biodiversity and traditional knowledge;

"5. *Recognizes* the important role that indigenous and local communities play in the conservation and sustainable use of biological resources and equitable sharing of the benefits arising from the use of traditional knowledge, as contained in the relevant articles of the Convention, and in this regard, calls on the secretariats of the Convention and the World Trade Organization to undertake the necessary consultations with member countries of the Convention and the World Trade Organization with a view to addressing properly the relationship between the relevant articles of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention;

"6. *Encourages* those States that have not yet ratified the Convention to do so as soon as possible;

"7. *Invites* all funding institutions, bilateral and multilateral donors, regional funding institutions and non-governmental organizations to cooperate with the secretariat of the Convention in the implementation of the programme of work;

"8. *Calls upon* States parties to the Convention urgently to settle any arrears and pay their contributions in full and in a timely manner so as to ensure continuity in the cash flows required to finance ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

"9. *Invites* the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the results of future meetings of the Conference of the Parties to the Convention and on the outcome of the consultations carried out with other relevant institutions;

"10. *Requests* the Bureau of the Second Committee, in coordination with the Secretariat, to continue organizing regular timely briefings on the various issues pertinent to biological diversity;

"11. *Decides* to include in the provisional agenda of its fifty-fourth session the sub-item entitled 'Convention on Biological Diversity'."

3. At the 42nd meeting, on 1 December, the Vice-Chairman of the Committee, David Prendergast (Jamaica), introduced a draft resolution entitled "Convention on Biological Diversity" (A/C.2/53/L.54), which he submitted on the basis of informal consultations held on draft resolution A/C.2/53/L.29, and orally corrected the draft resolution as follows:

(a) In operative paragraph 2, the word "concerning" was replaced with the word "on"; the word "programme" became "programmes"; and the word "adopted" was inserted after the word "approach";

(b) In operative paragraph 3, the word "analyses" was replaced with the word "analysis".

4. At the same meeting, the Committee adopted draft resolution A/C.2/53/L.54, as orally corrected (see para. 6).

5. In the light of the adoption of draft resolution A/C.2/53/L.54, draft resolution A/C.2/53/L.29 was withdrawn by its sponsors.

III. Recommendation of the Second Committee

6. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Biological Diversity

The General Assembly,

Recalling its resolution 52/201 of 18 December 1997 on the Convention on Biological Diversity and other relevant resolutions relating to the Convention,

Recalling also the provisions of the Convention on Biological Diversity,[5]

Recalling further Agenda 21,[6] particularly its chapter 15 on the conservation of biological diversity and related chapters,

Having considered the report of the Executive Secretary of the Convention on Biological Diversity,[7]

Deeply concerned about the continued loss of the world's biological diversity and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding,

Recognizing the contribution of indigenous and local communities to the conservation and sustainable use of biological resources,

Emphasizing that the Convention is an important instrument for achieving sustainable development, taking into account its three objectives, and for promoting the ecosystem approach embodied in the Convention and the decisions of the Conference of the Parties to the Convention,

Recalling the decisions adopted by the Conference of the Parties at its fourth meeting, relating to intellectual property rights and the relationship of the Convention with other international agreements,

Noting the dialogue taking place in the Committee on Trade and Environment of the World Trade Organization on the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights,

Encouraged by the work carried out to date under the Convention, and satisfied that most States and one regional economic integration organization have ratified the Convention,

Taking note with appreciation of the generous offer of the Government of Colombia to host the sixth meeting of the Open-ended Ad hoc Working Group on Biosafety and the extraordinary meeting of the Conference of the Parties, which will take place at Cartagena de Indias from 15 to 19 February and on 22 and 23 February 1999, respectively,

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[5] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

[6] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[7] A/53/451, annex.

Recalling its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the result of future meetings of the Conference of the Parties to the Convention,

Noting the importance of decision IV/6, in particular paragraph 11 thereof, adopted by the Conference of the Parties at its fourth meeting,

1. *Welcomes* the results of the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Bratislava from 4 to 16 May 1998;[8]

2. *Welcomes* the decision of the fourth meeting of the Conference of the Parties on the adoption of the programmes of work and the thematic approach adopted to guide its work in the development of the Convention for the foreseeable future, including its in-depth consideration of ecosystems;[9]

3. *Calls upon* Governments, in cooperation with the Conference of the Parties, to use science-based analysis, to study and monitor closely the evolution of new technologies to prevent possible adverse effects on the conservation and sustainable use of biological diversity, which might have an impact on farmers and local communities;

4. *Recognizes* the importance of the adoption of a protocol on bio-safety at the extraordinary meeting of the Conference of the Parties in 1999, or as soon as possible thereafter;

5. *Welcomes* decision IV/15, adopted by the Conference of the Parties at its fourth meeting, in which the Conference of the Parties stresses the need to ensure consistency in implementing the Convention and World Trade Organization agreements, including the Agreement on Trade-related Aspects of Intellectual Property Rights, with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of intellectual property rights;

6. *Reaffirms* paragraph 10 of decision IV/15, in which the Conference of the Parties emphasizes that further work is required to help develop a common appreciation of the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, in particular on issues relating to technology transfer and conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising out of the use of genetic resources, including the protection of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;

7. *Recognizes* the importance of the implementation of the Convention at all levels, including through the preparation and implementation of national strategies, plans and programmes, taking into account the need for financial resources to support the implementation activities, in particular those of developing countries, in accordance with the provisions of the Convention and decisions of the Conference of the Parties;

8. *Encourages* those States that have not yet ratified the Convention to do so as soon as possible;

9. *Welcomes* decision IV/8, adopted by the Conference of the Parties at its fourth meeting, in which the Conference of the Parties decided to establish a panel of experts to implement the terms outlined in the decision;

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[8] See A/53/451, annex.

[9] Decision IV/16.

10. *Recognizes* the importance of national action to conserve biological diversity in many habitats, including forests, wetlands and coastal areas, in accordance with the relevant provisions of the Convention, in particular article 8, and the need to mobilize national and international support for such national actions;

11. *Welcomes* the decision of the Conference of the Parties at its fourth meeting to include an item entitled "Alien species that threaten ecosystems, habitat or species" in the agenda of its sixth meeting;

12. *Recognizes* the utility of information exchange, and encourages the development of biodiversity information networks at the national, regional and international levels;

13. *Invites* all funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organizations, to cooperate with the secretariat of the Convention in the implementation of the programme of work;

14. *Calls upon* States parties to the Convention to urgently settle any arrears and pay their contribution in full and in a timely manner so as to ensure continuity in the cash flows required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies[10] and the Convention secretariat;

15. *Invites* the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the ongoing work of the Convention;

16. *Decides* to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Convention on Biological Diversity".

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[10] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992, articles 23.4 (g) and 25.